

Application No. 10/639,949
Confirmation No. 6992

REMARKS

Applicants respectfully request entry of the Amendment and reconsideration of the claims. Claim 1 has been amended. No new matter has been added through the amendment. Claims 1-6 are currently pending. Applicants respectfully request reconsideration and withdrawal of the pending rejections under 35 U.S.C. §112, first paragraph.

Examiner's Interview

The undersign thanks the Examiner for his time in discussing the pending claims during the recent telephone interview held March 11, 2005. Although no agreement was reached, this reply is drafted in keeping with the comments and discussion of the interview.

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejects claims 1 and 4-8 under 35 U.S.C. §112, first paragraph, for an alleged lack of enablement. The Examiner contends that the scope of the claims is not commensurate with the scope of enablement in the specification. Specifically, the Examiner asserts that the specification does not enable 3-acylated analogues of pyridoxal other than the 3-acylated analogues recited in claims 2 and 3. Applicants traverse.

While not acquiescing to the rejection and in order to expedite prosecution, Applicants have amended claim 1. Applicants have amended claim 1 to recite 3-acylated analogues corresponding to claims 2 and 3. Support can be found throughout the specification, including at paragraphs 12-13.

Obviousness-Type Double Patenting Rejections

The Examiner has raised an obviousness-type double patenting objection in relation to claims 1 and 37-39 of US 6,339,085 of Haque. The Examiner has also raised a provisional obviousness-type double patenting objection in relation to claims 1-12 and 37-39 of co-pending applicant's Application Serial No. 09/863,093. While not acquiescing to the rejections and in order to expedite prosecution, Applicants submit a terminal disclaimer to obviate the obviousness-type double patenting rejections. Applicants respectfully request removal of the obviousness-type double patenting rejections.

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CONCLUSION

In view of the above amendments and remarks, Applicants respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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